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THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

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ALLEN WAYNE SEAMSTER,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

**MEMORANDUM DECISION &  
ORDER REGARDING MOTION  
TO PROCEED *IN FORMA  
PAUPERIS* ON APPEAL**

Case No. 1:21-cv-00093-DBB

District Judge David Barlow

Petitioner, Allen Wayne Seamster, applies to proceed on appeal without prepaying the appellate filing fee.<sup>1</sup> However, Petitioner has not submitted three required pieces of information that would allow this Court to rule on his application: (1) “*a certified copy* of the trust fund account statement (or institutional equivalent) for the prisoner *for the 6-month period immediately preceding the filing of the complaint . . . obtained from the appropriate official of each prison at which the prisoner is or was confined,*”<sup>2</sup> (2) a completed affidavit including “*a statement of all assets such [person] possesses that [indicate] the person is unable to pay such fees or give security therefor*”,<sup>3</sup> and (3) a statement of “*the nature of the action, defense or appeal and affiant’s belief that the person is entitled to redress.*”<sup>4</sup>

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<sup>1</sup> See 28 U.S.C.S. § 1915 (2019).

<sup>2</sup> See *id.* § 1915(a)(2) (emphasis added).

<sup>3</sup> See *id.* § 1915(a)(1) (emphasis added).

<sup>4</sup> See *id.* § 1915(a)(1). See also *Valles v. Hansen*, 743 F. App’x 162, 165 (10th Cir. 2018) (citing *DeBardeleben v. Quinlan*, 937 F.2d 502, 505 (10th Cir. 1991) (requiring “the existence of a reasoned, nonfrivolous argument on the law and facts in support of the issues raised on appeal.”)).

IT IS ORDERED that Petitioner must within thirty days file with the Court a *certified* copy of his inmate-account statement, a *complete* application to proceed without prepaying fees or costs, and a document showing legally and *factually based, reasoned, nonfrivolous* arguments supporting his appellate challenges. If Petitioner does not fully comply, his application will be denied.

DATED this 27<sup>th</sup> day of January, 2022.

BY THE COURT:



JUDGE DAVD BARLOW  
United States District Court